

JUDGE KOELTL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :

- v. - :

JOSE MIRANDA, :

Defendant. :

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COUNT ONE

The Grand Jury charges:

1. From at least in or about April 2005, up to and including in or about August 2006, in the Southern District of New York and elsewhere, JOSE MIRANDA, the defendant, and others known and unknown, unlawfully, willfully and knowingly, did combine, conspire, confederate, and agree together and with each other to commit offenses against the United States, to wit, to violate Title 18, United States Code, Section 1029(a)(2).

2. It was a part and an object of the conspiracy that JOSE MIRANDA, the defendant, and others known and unknown, unlawfully, willfully and knowingly, and with intent to defraud as part of an offense affecting interstate commerce, would and did use one and more unauthorized access devices during a one-year period, and by such conduct, would and did obtain things of value aggregating \$1,000 and more during that period, in violation of Title 18, United States Code, Section 1029(a)(2).

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07 CRIM 1028
07 Cr.

Overt Acts

3. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. On or about August 5, 2005, JOSE MIRANDA, the defendant, opened a credit card account using information he obtained without authorization from a customer credit application submitted to the Home Depot store in Manhattan where he was employed.

b. On or about August 17, 2007, MIRANDA used the credit card account referenced in paragraph (a) above to obtain goods and services totaling approximately \$1,618.00, from a Walmart store in Monroe, New York.

c. On or about August 19, 2006, MIRANDA opened a credit card account using information he obtained without authorization from a customer credit application submitted to the Home Depot store in Manhattan where he was employed.

d. On or about August 28, 2006, MIRANDA used the credit card account referenced in paragraph (c) above to obtain services totaling approximately \$693.00, from an airline located in Queens, New York.

e. On or about August 21, 2006, MIRANDA opened a credit card account using information he obtained without authorization from a customer credit application submitted to the

Home Depot store in Manhattan where he was employed.

f. On or about August 29, 2007, MIRANDA used the credit card account referenced in paragraph (e) above to obtain goods and services totaling approximately \$1,297.00, from a Walmart store in Middletown, New York.

(Title 18, United States Code, Section 371.)

COUNT TWO

The Grand Jury further charges:

4. From at least in or about April 2005, up to and including in or about August 2006, in the Southern District of New York and elsewhere, JOSE MIRANDA, the defendant, unlawfully, willfully and knowingly, and with intent to defraud, in an offense affecting interstate commerce, did use one and more unauthorized access devices during a one-year period, and by such conduct did obtain things of value aggregating \$1,000 and more during that period, to wit, MIRANDA, without authorization, opened up credit card accounts in the names of other persons, and used those accounts to fraudulently purchase goods and services.

(Title 18, United States Code, Sections 1029(a)(2) and (b)(1).)

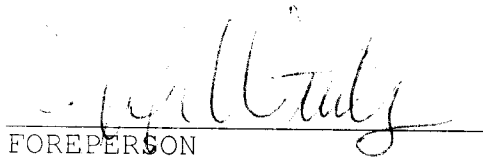
COUNT THREE

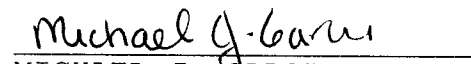
The Grand Jury further charges:

5. From at least in or about April 2005, up to and including in or about August 2006, in the Southern District of New York and elsewhere, JOSE MIRANDA, the defendant, unlawfully, willfully and knowingly, did possess and use, without lawful

authority, a means of identification of another person, during and in relation to a felony violation enumerated in Section 1028A(c), to wit, MIRANDA used the names, social security numbers and other identifying information of other persons to obtain credit cards that were used to commit access device fraud and to participate in a conspiracy to commit access device fraud as charged in Counts One and Two of this Indictment.

(Title 18, United States Code, Sections 1028A and 2.)


FOREPERSON


MICHAEL J. GARCIA
United States Attorney

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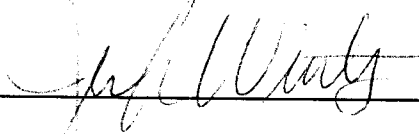
INDICTMENT

07 Cr.

(18 U.S.C. §§ 371, 1029(a)(2),
1028A and 2.)

MICHAEL J. GARCIA
United States Attorney.

A TRUE BILL



Foreperson.

Filed indictment. Case assigned to Judge Koeltl.
A/W issued for Def. Miranda.

at
11/8/07

- Francis, J.